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Infrastructure, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC.,

Plaintiff,

v.

INTEGRAL CONSULTING, INC.,  
EDWARD P. CONTI, an individual,  
MATTHEW HILLYARD, an individual, and  
DAVID AVERILL, an individual,

Defendants.

Case No. CV 12-01735 SC (NC)

**STIPULATION AND ORDER TO  
CONTINUE TRIAL DATE**

**IT IS SO ORDERED AS MODIFIED**

WHEREAS, on October 9, 2014, this Court entered an Order granting AMEC's Motion for Integral to run AMEC search terms and ordered Integral to produce said documents on November 12, 2014 (Dkt. 162) ("October 9 Order");

WHEREAS, on October 23, 2014, Integral filed a Motion for Relief from Nondispositive Pretrial Order objecting in part to the collection, processing, and production of eleven (11) additional custodians and the application of certain search parameters and date restrictions, as ordered by the Court;

WHEREAS, on November 19, 2014, the Court issued an Order denying Integral's Motion for Relief from Nondispositive Pretrial Order ("Order") in which it noted, "Because the Court did

1 not issue an order denying the motion or setting a briefing schedule, the motion should have been  
2 deemed denied as of November 6, 2014” (Order 4:14-15);

3 WHEREAS, Integral represents that it is working diligently to collect and process the  
4 documents from eleven (11) additional custodians located across the United States and intends to  
5 produce documents pursuant to the October 9 Order in January 2015;

6 WHEREAS, on December 3, 2014, the Court granted an Order permitting Plaintiff AMEC  
7 Environment & Infrastructure, Inc. (“Plaintiff”) to file a First Amended Complaint (“FAC”) to add  
8 David Averill as an individual defendant;

9 WHEREAS, on December 4, 2014, Plaintiff filed a FAC and the response of the newly  
10 added defendant David Averill, whose response is not yet due;

11 WHEREAS, AMEC contends it needs to be able to review documents that are to be  
12 produced by Integral so that AMEC may effectively prepare for depositions of AMEC and Integral  
13 personnel;

14 WHEREAS, on December 9, 2014 AMEC objected to Integral’s Notice of 30(b)(6)  
15 Deposition of AMEC, which Integral had noticed for December 22, 2014;

16 WHEREAS, on December 15, 2014, the parties cooperated with one another and agreed to  
17 reschedule the 30(b)(6) depositions of AMEC to a new date and to attempt to coordinate mutually  
18 available dates for counsel and witnesses as to certain topics while other topics remain under  
19 discussion;

20 WHEREAS, at the hearing of Defendant Conti’s Motion to Compel Further Responses to  
21 Interrogatories, on December 22, 2014, Magistrate Judge Nathanael Cousins ordered AMEC to  
22 provide supplemental responses to Interrogatories 8, 9 and 10 by January 23, 2014, the current  
23 date for the close of discovery;

24 WHEREAS, at the December 22 hearing, Judge Cousins noted that the supplemental  
25 responses were due on January 23 because he could not alter deadlines set by Judge Conti, but he  
26 would consider an extension of the deadline for AMEC to provide supplemental responses if the  
27 trial and discovery deadline were continued;

1 WHEREAS, the parties, in consultation with each other, have agreed to continue the trial  
 2 date, provided the Court is in agreement and to have all pre-trial dates, including the dates for  
 3 completion of discovery, the taking of depositions, expert disclosures, and the hearing of  
 4 dispositive motions continued for the same duration as the trial date is continued;

5 WHEREAS, the parties have agreed to a continuance of the trial date to July 6, 2015;

6 WHEREAS, the parties have previously requested, and the Court granted a continuance of  
 7 the initial trial date of February 9, 2015 and all pre-trial deadlines in this case because of the  
 8 unavailability of plaintiff's damages expert;

9 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the parties hereto  
 10 through their respective attorneys of record as follows:

11 The parties stipulate to continue the trial date and have the trial of this matter commence  
 12 July 6, 2015;

13 The parties further stipulate to have all pre-trial dates, including the dates for filing and  
 14 hearing of dispositive motions, discovery, depositions, and expert disclosures to dates set by the  
 15 Court in accordance with the new trial date.

16 IT IS SO STIPULATED.

17 Dated: December 23, 2014

CARROLL, BURDICK & McDONOUGH LLP

18 By /s/ Wallace E. Smith

19 Wallace E. Smith  
 20 Attorneys for Plaintiff AMEC Environment &  
 Infrastructure, Inc.

21 Dated: December 23, 2014

LEWIS, BRISBOIS, BISGAARD & SMITH LLP

22 By /s/ Leo A. Bautista

23 Leo A. Bautista  
 24 Attorneys for Defendant Integral Consulting, Inc.

1 Dated: December 23, 2014

BURNHAM BROWN

2 By /s/ Brendan Brownfield

3 Brendan Brownfield

4 Attorneys for Defendants Edward P. Conti and

Matthew Hillyard

6 **ORDER**

7 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that trial in this matter is  
8 hereby continued from April 27, 2015 to August 17, 2015. All discovery shall be completed and  
9 all depositions taken by May 29, 2015. The hearing date for dispositive motions, to be noticed in  
10 accordance with Civil Local Rule 7-2 is June 26, 2015. A pre-trial conference shall be held  
11 before the Court on August 14, 2015.

12 IT IS SO ORDERED.

13 DATED: ~~December~~ January 9, 2015

14 January 9, 2015

